**Does Resolving Disproportionality Require the Elimination of  
Punitive, Exclusionary Disciplinary Practices for All Students?**

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The release of the U.S. Department of Education’s Office for Civil Rights (OCR) 2017-18 Civil Rights Data Collection (CRDC) makes clear that while admirable efforts have been made to resolve the disproportional use of exclusionary and punitive disciplinary practices in public schools, the mission has yet to be accomplished. Black and (to a lesser degree) Hispanic students still face significantly higher rates of punitive, exclusionary methods of discipline as compared to their White counterparts.

In response, many schools have embraced cultural competence or cultural humility training, helping their educators and administrators to embrace more informed views about Black and Brown students. These programs can heighten awareness of the ways in which systemic racism may contribute to the above factors and have actuated efforts to address them. In many schools, the focus on disproportionality has caused a re-examination of disciplinary practices in general. Indeed, while Black and Brown students are clearly over-represented in statistics regarding the use of punitive and exclusionary discipline, such discipline is still most frequently applied to White students, for whom it is also counterproductive and unnecessary.

What We Know

Researchers have been focused on the factors contributing to disproportionality for several decades. Catherine Kramarczuk Voulgarides and Natalie Zwerger -- in a paper from the Steinhardt Institute at New York University -- have summarized this research and encapsulated the complex factors contributing to disproportionality, including (a) discipline policies and practices; (b) the subjectivity of special education referral processes; (c) instructional practices that place Black students at a potential disadvantage; (d) unequal access to educational opportunities; (e) racial disparities in how school staff interact with parents and the quality of services and education they receive; (f) biased teacher perceptions of student capabilities based on race; (g) cultural mismatch between school staff, families, and students; and (h) the sociodemographics of a school and school system.

More specifically, the research tells us that disproportionality begins at very early ages. Studies have shown that while Black children make up only one fifth of all preschool students, they account for over half of preschool suspensions (Gilliam, 2005). The chasm continues into older ages: the suspension rate for Black high school students (24.3%) is significantly higher than the rate for their White counterparts (7.1%; Losen & Martinez, 2013).

We know that children who experience punitive discipline at school have lower academic achievement (Hwang, 2018; Lacoe & Steinberg, 2018; Gopalan & Nelson, 2019), suggesting that lost time at school adversely impacts achievement (Gopalan & Nelson, 2019), potentially exacerbating existing race-based achievement gaps (Morris & Perry, 2016). A single suspension in ninth grade considerably lowers the odds that a student will graduate from high school or enroll in college (Balfanz Byrnes, & Fox, 2014).

We also know that exclusionary practices do not improve students’ behavior (Skiba, Michael, Nardo, & Peterson, 2002), that suspensions typically result in grade retention, academic difficulties, poor attendance and delinquency in students (Zhang, Katsiyannis & Herbst, 2004), and that students who are suspended or expelled have higher rates of being involved with the juvenile justice system or incarceration as adults (Rudd, 2014). Students who frequently access punitive school discipline -- and who fall behind academically due to missed time in school -- are at risk for disengaging from school and may begin to affiliate with peers who have had similar experiences, fueling the school-to-prison pipeline (Losen & Martinez, 2013).

We know that White students tend to be suspended for different behaviors (such as smoking and cutting class) than Black students (talking back to a teacher or being disrespectful; Skiba et al., 2002). A common theme in research related to bias is the tendency to interpret the behavior of Black students as disrespectful or insubordinate (Gregory & Roberts, 2017; Okonofua & Eberhardt, 2015).

Finally, we know that a key factor in the outcome of an office referral is the administrator’s perspective on discipline and a school district’s support of punitive discipline practices (Bradshaw, Mitchell, O'Brennan, & Leaf, 2010; Skiba et al., 2014; Tefera, Siegel-Hawley, & Levy, 2017)

An Alternative to Punitive, Exclusionary Disciplinary Practices

To address disproportionality, researchers have underscored the need to completely re-envision school discipline (Gopalan & Nelson, 2019). If punitive, exclusionary disciplinary practices are being disproportionally applied to Black and Brown students, then it stands to reason that practices that are not punitive and exclusionary would be a potential remedy. One such model -- Collaborative & Proactive Solutions (CPS) -- offers promise along these lines.

There are various facets of the CPS model that would mitigate many of the factors that are contributing the disproportionality. First, the CPS model does not focus primarily on overt behavior; it focuses on the expectations that a student is having difficulty meeting that is causing challenging behavior. In the CPS model, challenging behavior is viewed simply as the means by which students communicate that there are expectations they are having difficulty meeting. In other words, behavior is a signal. While some signals are clearly more disruptive or dangerous than others, they all signify the same thing. As a result, the potential for biased interpretations of behavior is reduced. Moreover, when behavior is no longer the focal point of intervention, the application of punitive behavior modification strategies no longer makes sense.

In the CPS model, the expectations students are having difficulty meeting are referred to as *unsolved problems*. The primary goal of intervention is for caregivers and kids to engage in collaborative efforts to solve those problems. The problem-solving process consists of three steps. In the first step -- called the Empathy step -- caregivers gather information from the student to identify the factors that are making it difficult for the student to meet a particular expectation. In other words, the student’s voice is heard. For many students --especially those who have been on the receiving end of punitive discipline for a long time -- the Empathy step is often the first time they’ve had the opportunity to talk about what they were going through and what was making it difficult for them to meet a particular expectation. In the Define Adult Concerns step, caregivers state the reasons they feel it’s important that the expectation be met (safety, learning, etc.). And in the third step -- called the Invitation -- the student and caregiver collaborate on a solution. The solution must meet two criteria: it must be realistic -- meaning both parties can actually do what they’re agreeing to do -- and it must be mutually satisfactory, meaning that the solution truly addresses the concerns of both parties.

For reasons reviewed earlier -- but also because of expected developmental variability -- -- some students have more unsolved problems than others. Disproportionally solving problems with students -- rather than disproportionally applying punitive discipline aimed at addressing the behaviors caused by those problems -- would be a very positive development, and one that would be consistent with contemporary thinking in schools such as universal design, personalized learning, and differentiated instruction.

Finally, the problem-solving is proactive rather than reactive. Punitive discipline is often counterproductive not only because it is aimed at addressing behavior but also because *behavior is late*. In other words, by the time a student exhibits concerning behavior, the problem that is causing that behavior has already occurred. In the CPS model, unsolved problems are identified and prioritized proactively using an instrument called the *Assessment of Lagging Skills and Unsolved Problems* (ALSUP). The ALSUP requires that caregivers be specific about their expectations for students. This can be a challenge, initially, since caregivers are often much more focused on the problematic behavior students are exhibiting. Through the process of completing the ALSUP, educators frequently discover that their expectations are unclear, not meaningful, or beyond (or beneath) a student’s capabilities.

Efforts to heighten the sensitivity of educators to racial bias and to better understand the experiences of their Black and Brown students are indispensable. Efforts to help educators become more sensitized to the traumatic experiences of many of their students and to understand how such trauma may impact behavior are equally important. However, it is crucial that educators also be provided with alternative tools to address the unsolved problems that are contributing to concerning behaviors. Research has shown that solving problems collaboratively and proactively with students is an extremely effective way of improving children’s behavior, is at least the equivalent of behavior modification strategies, and has been shown to dramatically reduce or eliminate discipline referrals, detentions, suspensions, and the use of restraint and seclusion (Greene & Winkler, 2019). These findings are consistent with others that have shown that interventions emphasizing empathic discipline can reduce discipline incidents among male Black students (e.g., **Okonofua &** Ruiz, 2020; Goyer et al., 2019).

Thus, it is possible to envision a day when schools no longer deploy discipline referrals, detentions, suspensions, paddling, restraints, and seclusions. This would require a complete transformation of the structures of discipline in many schools, a process many schools have embraced. What is required is vision, commitment, and a desire to change things for the better for all students.

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